

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action mailed on October 30, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 6-8 pending in this application. Claims 3-5 and 9-10 are canceled herein, without prejudice. By means of the present amendment, claims 1-2 and 6-8 are amended including for better conformance to U.S. practice. By these amendments, claims 1-2 and 6-8 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Final Office Action, claim 1 is rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully disagree and submit that the

specification, such as page 5, lines 3-5, fully complies with the written description requirement, and reasonably conveys that the inventors, at the time of the application was filed, had possession of the claimed invention. It appears that the objection is related to the term "and the like" which is readily appreciated to include other similar abnormal playing conditions which in light of the specification, clearly conveys the invention. The specification makes clear distinction between "normal playing status (the status that the essential content of a optical disc is being played normally)" and "abnormal playing status [which includes pause status, copyright information status (some text information used by copyright warning) and director annotation (some explanatory words used by director annotation), and the like." It is respectfully submitted that it is proper that each Applicant may be "their own lexicographer" in defining (and interpreting for that matter) terms utilized within a given patent or patent application. It is further submitted that the Applicants have sufficiently described these terms such that its meanings would be readily appreciated by a person of ordinary skill in the art. However, to advance

prosecution and expedite allowance of the present application, the claims are amended for better conformance to U.S. practice as indicated above. No new matter has been added.

One skilled in the art would have no trouble understanding that the inventors, at the time of the application was filed, had possession of the claimed invention. It is respectfully submitted that it would be a trivial matter for a person skilled in the art to make and/or use the claimed invention defined by claim 1 in view of the specification. Accordingly, withdrawal of this rejection under 35 U.S.C. §112, first paragraph, to claim 1 is respectfully requested.

Claims 1 and 6 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite apparently under the same consideration as the rejection of claim 1 under 35 U.S.C. §101 discussed above. It is respectfully submitted that the amendments to claims 1-2 and 6-8 indicated above for better conformance to U.S. practice obviates this rejection of claims 1 and 6. Accordingly, it is respectfully submitted that claims 1 and 6 are in proper form and it is respectfully requested that this rejection

under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, it is requested that the Applicants "double-check" the specification for informalities in grammar. The applicants have carefully reviewed the specification for informalities and provide amendments above to correct noted informalities. It is respectfully submitted that the informalities in the specification are corrected and an indication to that effect is respectfully requested.

In the Office Action, claims 1-3 and 5-9 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,580,870 (Kanazawa). Moreover, claims 4 and 10 rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kanazawa in view of "Official Notice". The cancellation of claims 4 and renders this rejection of claims 4 and 10 moot.

These rejections are respectfully traversed. It is respectfully submitted that claims 1-2 and 6-8 are allowable over Kanazawa alone and in view of "Official Notice" for at least the following reasons.

The Office Action contends that Kanazawa essentially teaches

every element of claims 1 and 6. Applicants respectfully disagree with this characterization of Kanazawa with regard to the subject matter of the claims.

Particularly, the Office Action asserts that Kanazawa teaches "a detecting module for detecting whether the player is in a normal playing status or an abnormal playing status, and sending a searching command when the abnormal playing status being detected out (Kanazawa, col. 5 ln. 10-34, col. 6 ln.54-60, col.8 ln. 10-20)."

This characterization of Kanazawa is respectfully traversed.

Kanazawa, Col. 5, lines 10-34 describes use of an information management table 40b (see, FIG. 2) for using Web servers. The information management table stores identification tables for identifying streams in the title information, access or link information and "information notice time (hereinafter, referred to as time information)". (See, Col. 5, lines 23-25.) "The time information is used for display control (the start and end of display) of a Web mark (specific input information) indicating that resources are available in a specific piece of the stream

information (scene) in the stream (in the first embodiment, Web page, can be displayed)". (See, Col. 5, lines 25-30.)

It is respectfully submitted that Kanazawa, Col. 5, lines 10-34 does not disclose or suggest (emphasis added) "a detecting module for detecting whether the player is playing out essential content or whether playing out of essential content is currently interrupted, and sending a searching command when the playing out of essential content is detected to be currently interrupted" as recited in claim 1 and as similarly recited in claim 6.

Kanazawa, Col. 6, lines 54-60 describes "[o]n the basis of the information management table 40b, the CPU 1 checks each stream unit to see if the WEB display related information has been added (step S4). Specifically, if the information management table 40b has included no WEB display related information, the CPU 1 continues a normal playback process without executing the resource use process (NO at step S4, and steps S5, S6, and S1)." (See, FIG. 5.) In other words, if no network based resource is indicated by the information management table for a portion of a DVD stream, normal playback is continued.

It is respectfully submitted that Kanazawa, Col. 6, lines 54-60 does not disclose or suggest (emphasis added) "a detecting module for detecting whether the player is playing out essential content or whether playing out of essential content is currently interrupted, and sending a searching command when the playing out of essential content is detected to be currently interrupted" as recited in claim 1 and as similarly recited in claim 6.

Kanazawa, Col. 8, lines 10-20 describes "[t]he CPU 1 connects to the Internet via the communication control section 5 and modem 6 and accesses the specified Web server on the basis of the access information 30 (step S44). As shown in the flowchart of FIG. 14, after the reproduction of the title information has been suspended, the modem is started and the CPU 1 is connected to the Web server (step S50 to S52). When the resource use process has been completed as described later, the reproduction of the title information is resumed and the CPU 1 is disconnected from the Web server, which completes the connection with the network (steps S53 to S56)." In other words, Kanazawa teaches that after reproduction of title information is suspended, the Web server is accessed to access

network resources. When access of the network resource is completed, reproduction of the title information is resumed.

While it is clear that Kanazawa does access network resources when reproduction of title information is suspended, it is respectfully submitted that Kanazawa, Col. 8, lines 10-20 does not disclose or suggest (emphasis added) "a detecting module for detecting whether the player is playing out essential content or whether playing out of essential content is currently interrupted, and sending a searching command when the playing out of essential content is detected to be currently interrupted" as recited in claim 1 and as similarly recited in claim 6.

In fact, while Kanazawa does access network resources when title information is suspended, Kanazawa makes no attempt to detect when essential content is playing or suspended, nor is this features disclosed or suggested by the cited sections of Kanazawa, nor any sections of Kanazawa for that matter. In fact, Kanazawa specifically teaches suspension of title information during access of network resources, thereby forcing "the occurrence of interruption or hiccup during the process of playing" (see, present



application, page 8, lines 1-2), a process which the present application and recited claims is directed at avoiding.

The Office Action asserts that Kanazawa teaches "and a network management apparatus for accessing one or more URLs identified by the search module to download information that is required for normal play only while the player is detected to be in the abnormal playing status (Kanazawa, col. 5 ln. 18-34, col. 6 ln.55-67, col. 5 ln. 46-54.)."

This characterization of Kanazawa is respectfully traversed.

Kanazawa, Col. 5, lines 18-34 is discussed above and merely describes the elements of the information management table.

It is respectfully submitted that Kanazawa, Col. 5, lines 18-34 does not disclose or suggest (emphasis added) "a network management apparatus for accessing one or more URLs identified by the search module to download information that is required for playing out essential content only while the player is detected to not be playing out essential content" as recited in claim 1 and as similarly recited in claim 6.

Kanazawa, Col. 6, lines 55-60 is discussed above and merely

describes normal play when no network resource is indicated for a portion of DVD content.

Col. 6, lines 61-67 describes "[w]hen the WEB display related information has been included in the information management table 40b as shown in FIG. 3, the CPU 1 checks the contents of the WEB display related information to see if the time information is present (steps S7 and S8). If there is no time information, the CPU 11 will display a Web mark (also sometimes written as a WEB mark) on the screen of the display section 10". In other words, when the information management table indicates that a portion of DVD content includes web content without a playout time indication, a WEB mark is displayed during playout of the DVD content.

It is respectfully submitted that Kanazawa, Col. 6, lines 55-67 does not disclose or suggest (emphasis added) "a network management apparatus for accessing one or more URLs identified by the search module to download information that is required for playing out essential content only while the player is detected to not be playing out essential content" as recited in claim 1 and as similarly recited in claim 6.

Lastly, Kanazawa, Col. 5, lines 46-54 describes "[t]he access information (link information) 30 is information (URL display related information) to connect to resources (Web servers) for accessing a Web page corresponding to a specific piece of stream information in the individual streams (ST-1 to ST-n) or to the entire stream. For example, the system is connected to a Web server corresponding to the access information (§n) and a Web page corresponding to stream ST-n is accessed." In other words, Kanazawa teaches that access information is available to connect to network resources that may correspond to individual streams or to the entire stream.

It is respectfully submitted that Kanazawa, Col. 5, lines 46-54 does not disclose or suggest (emphasis added) "a network management apparatus for accessing one or more URLs identified by the search module to download information that is required for playing out essential content only while the player is detected to not be playing out essential content" as recited in claim 1 and as similarly recited in claim 6.

In fact, while Kanazawa does access network resources when

title information is suspended, Kanazawa does not disclose or suggest a network management apparatus for accessing one or more URLs identified by the search module to download information that is required for normal play playing out essential content only while the player is detected to be in the abnormal playing status, nor is this features disclosed or suggested by the cited sections of Kanazawa, nor any sections of Kanazawa for that matter. In fact, Kanazawa specifically teaches suspension of title information during access of network resources, thereby forcing "the occurrence of interruption or hiccup during the process of playing" (see, present application, page 8, lines 1-2), a process which the present application and recited claims is directed at avoiding.

Official Notice is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in Kanazawa.

Based on the foregoing, the Applicants respectfully submit that the optical disc player of claim 1 and the method of claim 6 is not anticipated or made obvious by the teachings of Kanazawa and an indication to that effect is respectfully requested. Claims 2

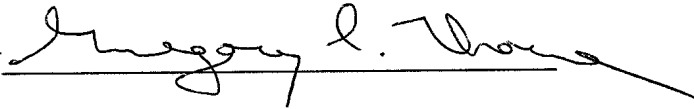
and 7-8 respectively depend from one of claims 1 and 6 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response, and in particular, no Official Notices are conceded. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Final Office Action of October 30, 2008

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
January 30, 2009

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101